

1 This figure, plus his \$400.00 August payment, amounts to a total of \$638.26 (Doc. 50).
2 Plaintiff therefore requests a refund of \$183.26 (id.).

3 Court records show that since August 2012, payments have been received in the
4 amounts of \$36.47 and \$137.21. Refund checks in these amounts have been issued, for a
5 total of \$173.68.¹ To date, all overpayment amounts received from ADC have been refunded
6 by the Court, and it is not clear why there is a \$10.00 discrepancy between the Court's
7 records and Plaintiff's Inmate Bank Account Statement.

8 Plaintiff's Motion for Refund will be granted to the extent that he is entitled to a
9 refund and, to date, \$173.68 has been refunded. If and when any further payments are
10 received by the Court, they will be refunded. In conjunction with this Order, the Court will
11 issue a separate Order to the ADC directing it to immediately stop collecting payments from
12 Plaintiff's account for the appeal filing fee.

13 **IT IS ORDERED:**

14 (1) Plaintiff's Motion for Refund (Doc. 50) is **granted** as set forth above.

15 (2) The ADC Director or his designee must immediately stop collecting payments
16 from Plaintiff's inmate account for the filing fee in Ninth Circuit Case No. 11-17845.

17 (3) Any further payments received by the Court will be refunded.

18 DATED this 25th day of October, 2012.

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22 Robert C. Broomfield
23 Senior United States District Judge
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28 ¹A refund check in the amount of \$36.47 was issued on September 25, 2012, and a
refund check in the amount of \$137.21 was issued on October 19, 2012.